

## Division of Child and Family Services

### What does the Division of Child and Family Services (DCFS) do?

DCFS protects children from abuse, neglect, or dependency and serves families experiencing domestic violence.

### Who are the workers involved with a DCFS child in care?

- **Caseworker:** Each child in the care of DCFS has a caseworker assigned to them. The caseworker coordinates services for the child.



Since a court has granted care of the child to DCFS, the caseworker is the legal custodian or guardian of the child.

- **Out-of-Home Caregiver:** When a court removes a child from their home, they are placed with an out-of-home caregiver who may be a relative, a foster parent, or, in some cases, a residential or group home facility.
- **Nurse:** Each child has a nurse assigned to them from the Department of Health, Fostering Healthy Children Program, who coordinates their health, dental, and mental health care needs.
- **Juvenile Court Judge:** A judge presides at court hearings, makes important decisions, and makes orders regarding the case. When appropriate, the youth will appear before the judge at review hearings while in custody.
- **Guardian ad Litem (GAL):** Children in care due to abuse or neglect have an attorney assigned to represent their interests. The GAL has the responsibility to ensure the child's needs and wants are represented to the court and makes recommendations to the court on behalf of the youth. In some cases, the GAL will utilize a Court Appointed Special Advocate (CASA) to mentor and engage the child.



Children who are in state's care due to delinquency do not generally have a GAL assigned to the case.

- **Assistant Attorney General (AAG):** An AAG is assigned as the legal representative for DCFS and the state in Juvenile Court on each abuse or neglect case.

See Appendix B for a list of DCFS contacts.

## How does DCFS obtain custody of a child?

There are four ways a child may come into DCFS care.

1. **Warrant:** The Juvenile Court judge may issue a warrant to remove a child from their home because DCFS requests the warrant during a child abuse/neglect investigation.
2. **Emergency Situations:** In emergency situations, DCFS or law enforcement can remove without a warrant if they determine the child would not be safe remaining in the care of their parents or caregiver.
3. **Court Ordered:** The judge may order custody of the child to DCFS because there is a threat of harm to the child or the child is ungovernable or has committed delinquent acts. In these situations, parents are notified in the court hearing that their child will be removed from their custody.
4. **Voluntary Parental Consent:** The parent voluntarily consents, in writing, to the removal of the child. This occurs when the parent feels they are no longer capable of caring for the child.



## What happens after custody of a child is given to DCFS?

Once custody of a child is obtained, DCFS immediately finds temporary care (or out-of-home care) for the child. Caseworkers first try to place the child with a non-custodial parent. Then caseworkers will try to place the child with a relative. If neither is available, the child is placed in a foster home or residential/group home. If a foster placement is not possible, the child will be placed in a temporary, short-term placement until an ongoing placement is available.

Children in out-of-home care have both a “primary permanency goal” and a “concurrent goal” identified by either the court or the DCFS Child and Family Team. The primary permanency goal for the child in out-of-home care is to reunify the child with their parent/guardian. In cases of severe abuse and neglect, the juvenile court may determine that DCFS is not required to offer reunification efforts.

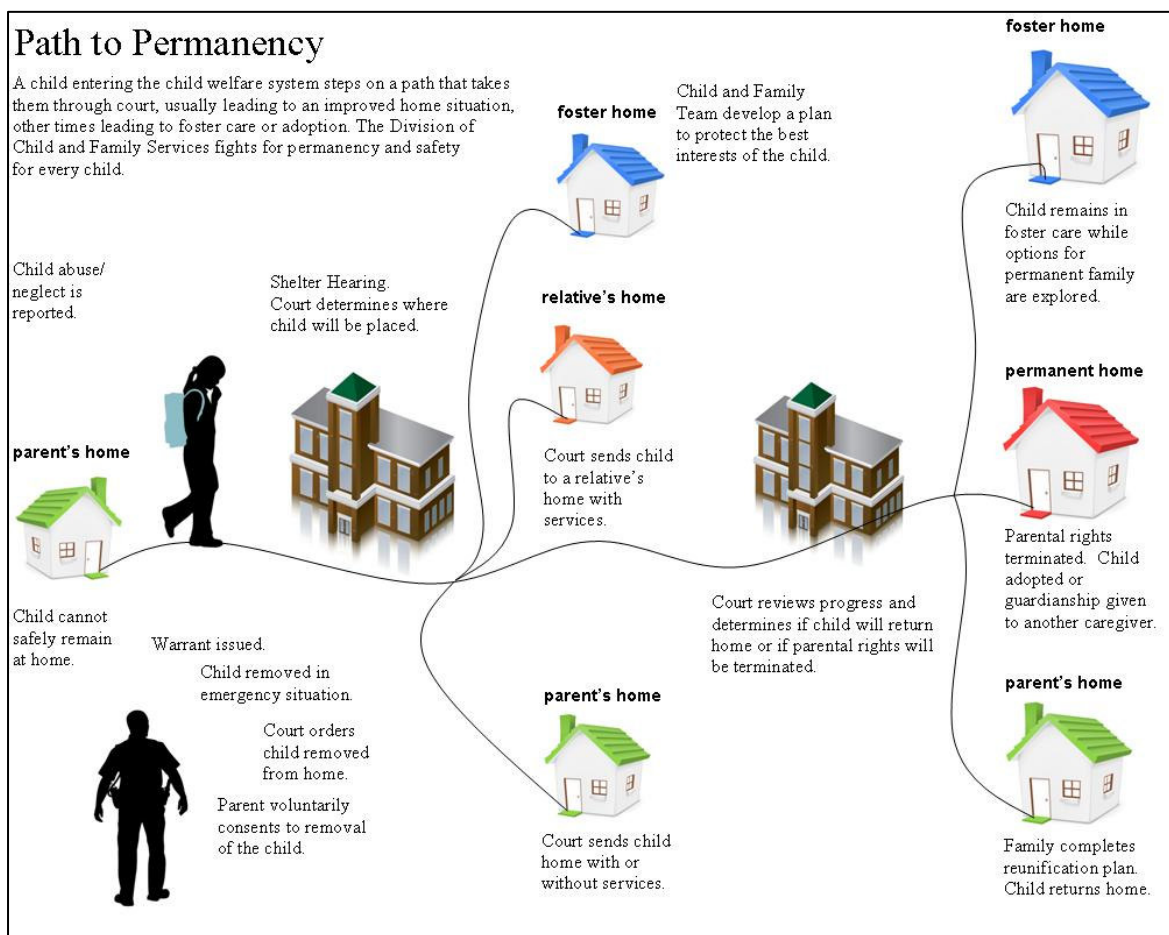
Concurrent planning involves working towards reunification while establishing and implementing an alternative permanency plan in case reunification is not successful.

Permanency goals and concurrent planning include:

- Reuniting the child with the parent/guardian from whom the child was removed.
- Adoption with an appropriate caregiver.
- Guardianship with a relative.
- Guardianship with a non-relative.
- Individualized permanency plan to fit the unique needs of the child.

## What is a DCFS Child and Family Team?

- People with an interest in or involvement with the child (the child, if 12 or older, parents/guardians, foster parents, informal supports for the family and child, education representative, and all support/services agencies) are invited to be part of the DCFS Child and Family Team. They work together to develop a support plan for the child and parents to enable them to live together safely. If reunification between the parents and child is not possible, the Child and Family Team works together toward other permanency options for the child.
- The goal of the Child and Family Team is to develop a unified Child and Family plan based on the child and family's identified strengths and needs.
- The Child and Family plan focuses on the desired outcomes for the child and family, identifies the services needed to assist in achieving the desired results, and ensures that transitions are made appropriately. The plan includes what each team member will do to assist the child and parents.



## What are the abuse and neglect reporting requirements?

By Utah law, **any** person with reason to believe a child has been subjected to any type of abuse or neglect, or observes a child in “conditions or circumstances” that would reasonably result in abuse or neglect, **must** immediately notify the nearest peace officer, law enforcement agency, or DCFS. This is referred to as the “mandatory reporting requirement.”

Law enforcement or DCFS will then determine whether an investigation is required, and will conduct the investigation.



If someone is aware of possible abuse or neglect, but is unsure about whether the information merits making a report of child abuse or neglect, they should report the information and allow Child and Family Services to make the determination.

The Child Abuse Hotline, available 24 hours a day, should be contacted to **report abuse/neglect**:

Salt Lake County: (801) 281-5151

Davis County: (801) 544-1298

Statewide: (800) 678-9399

## Does DCFS have custody if the child is placed with a relative?

Yes. Once the child has been removed from the parents’ home, DCFS retains custody of the child until the court grants custody to another party. In some cases DCFS will place the child with either the non-custodial parent or with another relative (kinship caregiver). This type of placement is referred to as a “preliminary placement.”

A preliminary placement is a temporary placement with the kinship caregiver and allows DCFS to explore whether the kinship caregiver has the resources and ability to have the child safely remain in their home long term if reunification with the parent is not possible. If it is determined that the kinship caregiver desires the child to remain in their home and if the kinship caregiver meets certain qualifications, DCFS will give them the option of becoming a licensed foster parent. Becoming a licensed foster parent is encouraged as the kinship caregiver will have access to ongoing support and resources while caring for the child that they would not otherwise have.

If the kinship caregiver does not want to become a licensed foster parent, but wants the child to remain in their home, they must demonstrate they have the resources to care for the child without support from DCFS. The court will then grant the kinship caregiver temporary custody and guardianship of the child.

## How much time does a parent have to regain custody of their child?

Regardless of how DCFS obtains custody of a child, the following guidelines from Utah State Law must be met:

- For a child **36 months of age or younger**, the parent/guardian has **8 months** to demonstrate they have made substantial efforts to comply with the child and family plan in order for the child to be returned to them.
- For a child **37 months of age or older**, the parent/guardian has **12 months** to demonstrate they have made substantial efforts to comply with the child and family plan.

At eight or 12 months (depending on the age of the child), the juvenile court is required to hold a court hearing, called a “permanency hearing,” in order to determine whether the parent/guardian has made substantial efforts to comply with the child and family plan.

The judge will also determine whether the child’s primary goal will remain reunification with the parent, or whether it will change to another option.

At the permanency hearing, the judge may allow up to a 90-day extension (to continue working toward reunification) to the parent if they demonstrate substantial efforts to comply and DCFS reports that reunification between the child and parent is probable within the 90 days.

In no event may any reunification services extend beyond 15 months from the date the child was initially removed.

If the time lapses and the court finds that the family has not made sufficient progress with the child and family plan, options for the child include:

- Adoption
- Guardianship granted to a relative or other party
- Retention in custody while DCFS works toward another permanent arrangement

## For DCFS, what is a “delinquency case?”

In some cases, a judge may order custody of a child to DCFS when the child has been brought before the court on delinquency charges, but the judge does not feel the issues rise to the level of placing the child in the juvenile justice system. The judge may feel that the child and family would benefit more from support and services provided by DCFS rather than JJS.



JJS cannot take custody of a child under the age of 12. Consequently, a judge may order custody of a child under 12 to DCFS. When this occurs, DCFS provides substitute care of the child for reasons of delinquency instead of abuse or neglect.



Timelines for reunification between the child and the parents do not apply on delinquency cases the same way they do in cases of abuse and neglect. The child will be returned home when they have demonstrated they have made significant progress dealing with the issues that led to the delinquency charges and they can safely remain in the home.

### What is a caseworker responsible for regarding a child's education?

Caseworkers are required to ensure children receive appropriate services to meet their educational needs. They do this by:

- Obtaining information about any educational assessments that have been conducted on the child, and
- Working with educational staff to match the child's educational needs to appropriate services (e.g., special education, tutoring, advocacy within the school system, etc.)



Caseworkers:

- Ensure the child's educational records are in the case file and are up to date,
- Ensure the case plan addresses identified educational needs,
- Provide foster parents or caregivers with the child's educational records, and
- Ensure the records include names and addresses of educational providers, the child's grade level performance, and any other relevant information.



Prior to removing a child from their school, caseworkers should coordinate with the school to assess if the child can safely remain in the school and what impact moving schools may have on the child. Caseworkers should make every effort to cause the least amount of disruption possible to the child's education (e.g., waiting until the end of a semester or year to move a child from the school). Educators, foster parents, and caseworkers should work together to decide what will be best for the child.

### Can youth in DCFS custody take driver's education and get a driver's license? Who pays?

Yes! Youth should be encouraged to take classes and get a driver's license. If a youth takes driver's education classes at school, the fees are waived. Look here for specific DCFS practice guidelines regarding how a youth can obtain a driver's license: [www.hspolicy.utah.gov/dcfs/](http://www.hspolicy.utah.gov/dcfs/)



**Who can sign for liability?** The child's parent/guardian or another legal adult willing to take the responsibility may sign for liability. Out-of-home caregivers may also sign if they are willing to add the child to their own auto insurance.



If an out-of-home caregiver is willing to sign for a child in care to get a driver's license, DCFS is permitted to reimburse the out-of-home caregiver for the additional cost of adding the youth to their insurance up to a certain amount. Only children in foster care are eligible for reimbursement.



If a relative signs for the driver's license of a child in care, it is not a requirement that the child be living with the relative.

### **What is the complaint process for DCFS?**

The best process to use when concerned about a DCFS case is to contact the caseworker or supervisor assigned to the case.

DCFS also has a constituent service representative who handles concerns and complaints that are brought to the attention of the state office. For more information about Constituent Services call (801) 538-4100.

